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Compensation for officers and enlisted
men for work on public roads.

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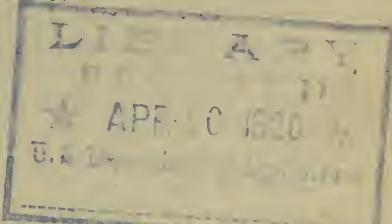
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COMPENSATION FOR OFFICERS AND ENLISTED MEN FOR
WORK ON PUBLIC ROADS.

LETTER

FROM



THE SECRETARY OF AGRICULTURE.

TRANSMITTING,

PURSUANT TO LAW, A COMMUNICATION SUBMITTING A REPORT
RELATIVE TO ADDITIONAL COMPENSATION TO OFFICERS AND
ENLISTED MEN FOR WORK DONE BY THEM ON PUBLIC ROADS
IN VARIOUS STATES DURING THE WAR WITH GERMANY.

JANUARY 30, 1920.—Referred to the Committee on Military Affairs and ordered to be
printed.

DEPARTMENT OF AGRICULTURE,
Washington, January 26, 1920.

The PRESIDENT OF THE SENATE:

Section 9 of the act of Congress approved February 28, 1919 (40 Stat., 1202), entitled "An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1920, and for other purposes," reads as follows:

SEC. 9. That no officer or enlisted man of the Army, Navy, or Marine Corps shall be detailed for work on the roads which come within the provisions of this act, except by his own consent: *And provided further*, That the Secretary of Agriculture, through the War Department, shall ascertain the number of days any such soldiers, sailors, and marines have worked on the public roads in the several States (other than roads within the limits of cantonments or military reservations in the several States) during the existing war and also the location where they worked and their names and rank, and report to Congress at the beginning of its next regular session: *Provided further*, That when any officer or enlisted man in the Army, the Navy, or the Marine Corps shall have been or may be in the future detailed for labor in the building of roads or other highway construction or repair work (other than roads within the limits of cantonments or military reservations in the several States) during the existing war, the pay of such officer or enlisted man shall be equalized to conform to the compensation paid to civilian employees in the same or like employment and the amount found to be due such officers, soldiers, sailors, and marines, less the amount of his pay as such officer, soldier, sailor, or marine, shall be paid to him from the 1920 appropriation herein allotted to the States wherein such highway construction or repair work was or will be performed.

In accordance with the provisions of this section, the Department of Agriculture has taken all practicable steps to determine the additional compensation due to officers and enlisted men on account of work performed by them on the public roads in the several States (other than roads within the limits of cantonments or military reservations) during the war with Germany and Austria. The statute directs that the work done and the amount due shall be ascertained through the War Department. Consequently, all claims presented directly to this department were immediately forwarded to the War Department for verification and certification as to correctness. It is understood that quite a number of such claims have been presented directly to the War Department. However, prior to May 1, 1919, it was not the practice of the War Department to require that a daily record be kept of the detail of officers and enlisted men of the Army for the performance of other than strictly military duties. In the circumstances, that department now finds that it is without records from which it can consistently certify as to the correctness of claims based upon work performed on roads prior to the date indicated. Furthermore, a number of claims presented were from marines, who are not under the jurisdiction of the War Department, and, consequently, the War Department has no records from which it can verify such claims by officers or enlisted men in the Navy or the Marine Corps. Section 5, General Orders No. 58, War Department, May 1, 1919, required that records be kept after that date of the detail of officers and enlists men in the Army for the performance of road work, which entitles them to pay under this act, and the War Department, therefore, is in position to make certification as to the correctness of claims for work done subsequent to May 1.

In view of the difficulties encountered in endeavoring to ascertain the information necessary to authorize the payments contemplated by the act, there were submitted to the Comptroller of the Treasury, on September 11, 1919, a number of claims typical of those received, together with a proposed form of pay roll for use in making the payments. In an opinion, dated October 2, 1919, the comptroller advised in part as follows:

With reference to the claims which are now before you for payment, if, in your opinion, the evidence which you have is not sufficient to justify you in having payment made by a disbursing officer of your department, the claims, after receiving administrative examination, should be forwarded by you to the Auditor for the State and other departments for direct settlement. The auditor, if not satisfied with the sufficiency of the evidence would have the right to call for a production in such cases present a just claim for further evidence to support an allowance. With reference to those cases where the records of the War Department do not show the detail of individuals "for labor in building of roads or other highway construction or repair work," as described in the second proviso of section 9 of the act, the mere fact that detailed record was not kept should not defeat the purpose of the act, which is to provide payment for such services. The claim for pay in such cases would necessarily have to be supported by evidence sufficient to establish the claim as a legal one against the Government.

The evidence in connection with the claims before this department is not considered sufficient to justify payment by the disbursing officer. The Treasury Department requires that, in order to establish a legal claim against the Government for personal services, the claimant must set forth the specific dates on which such personal service was rendered and the character of such services. The claims so far presented merely recite that a stipulated number of days

work were performed between specified dates, such specified dates usually extending over periods of several months.

Very recently the War Department forwarded to this department seven typical claims, each claim being supported by an affidavit of the soldier that, between July, 1918, and March, 1919, he performed road work for which he is entitled to additional compensation. These claims are for work ranging from 1,500 to 2,160 hours performed by the individual claimants during the period named, and additional compensation ranging from a minimum of \$612 to a maximum of \$1,247.50 is claimed, the total amount involved in the seven claims being \$6,095. They have been submitted by the War Department in order that this department may present them to the Comptroller of the Treasury for an opinion as to whether or not claims so supported properly may be paid. If the comptroller should decide that the evidence accompanying them is insufficient to warrant payment, additional legislation probably will be necessary before any of the claims can be settled.

Respectfully,

D. F. HOUSTON, *Secretary.*





